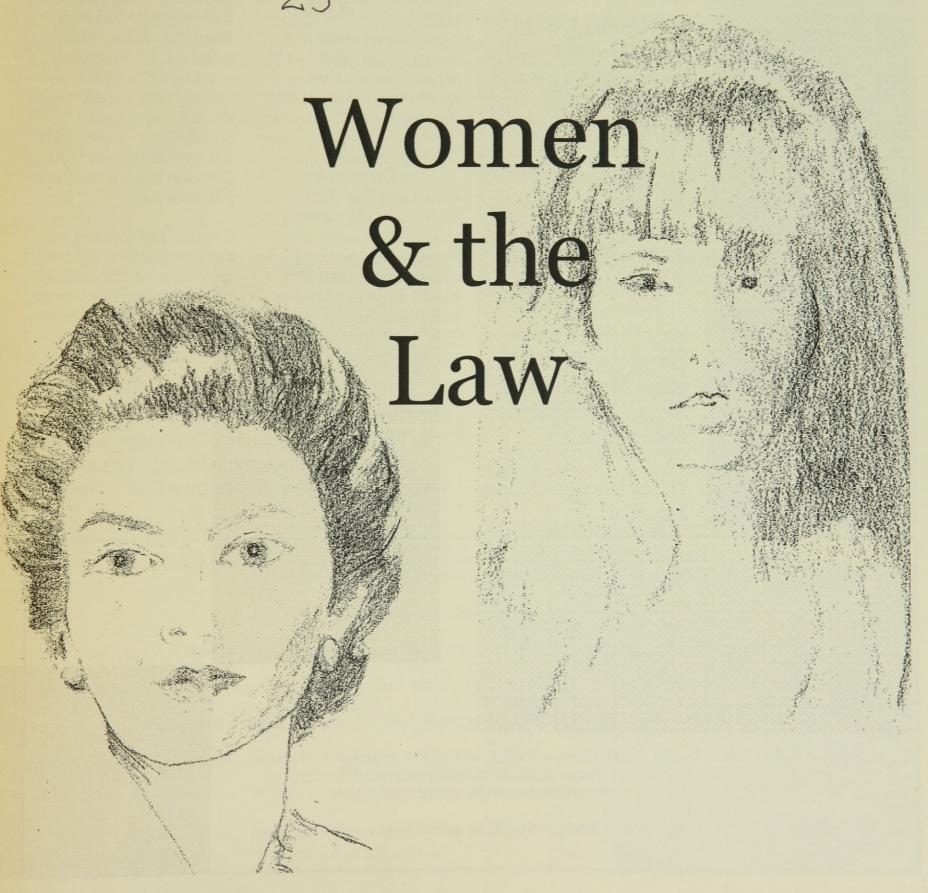
QUID NOVI

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QUID NOVI

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EDITORIAL

by Cassandra Brown Co-Editor-in-Chief

wo years ago, at the United Nations Convention on the Status of Women in New York, I attended a session on motivating women to run for political offices. Kitty Pilgrim, the CNN Business News Correspondent, opened the panel with some positive comments on the increasing presence of women in Congress and the Senate. "When I see a woman walking across the floor these days", she joked, "I'm checking out what designer she's wearing, instead of just finding it remarkable that she's a woman and she's there [as an elected member of the Senate or of Congress]". As she recited this line Kitty looked directly at me and smiled warmly as if to say, "Maybe I'm talking about you in 20 years". I immedi-

ately beamed back at her, giving my best "Who knows? Maybe you are" smile. In the split second before my political incorrectness radar went off (you're not supposed to say that the first thing you judge a woman by is her clothing, are you!?) I truly believed that she could be talking about me - it was a concrete, real-life possibility, not a far-off, unrealizable dream. Well, except for the whole Congress and US Senate thing - my instincts tell me that they don't let Canadian citizens get those positions yet.

It is true that law and politics aren't entirely synonymous when it comes to the challenges faced by women, but they are close in many

[See Editorial, p. 4]

Erratum: Last week the Quid mistakenly attributed the article "Law in Cambodia: Getting it on our Mnds" to Dustin Milligan. The article was actually written by Malcolm Dort. The Quid apologizes for this error.

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:

http://www.law.mcgill.ca/quid/epolicy/html.

Contributions should preferably be submitted as a .doc attachment.

YES, YOU ARE GOOD ENOUGH...OR HOW TO GET OVER UGLY DUCKLING SYNDROME

by Natalie Haras (LAW III)

vate bug-bears. For a lot of women, I think that self-consciousness with personal appearance is a big one. And that's a pity because it distracts and detracts from our other skills and talents.

I don't like to air my linen in public, but I think it's important to share. In the spirit of the Quid's issue on women, I am going to tell you about my Gorbachev issue. From what I've been hearing in the hallways lately, I hope this article resonates with some of you.

A few weeks after I was born, I developed a large red birthmark called a haemangioma on the left side of my face. It's a benign overgrowth of blood vessels in the skin and while it often recedes on its own accord, in my case it swelled up and left me legally blind in my left eye. The swelling and redness eventually receded but it took several operations and laser treatments to remove most of the pigmentation.

As a child, I resented all the doctor's visits and procedures but the thing that bothered me the most was that my condition seemed to make strangers think that they could comment on my appearance at will. I can't tell you how many times I've been asked whether I've been in a car accident

or whether my parents were nice to me. I became quite reserved.

The truth is, my parents were very supportive - and never treated me specially because of my eye- but they encouraged me to have the birthmark removed. While Mikhail Gorbachev may never have let his birthmark get in the way of his ambitions, the truth is that women are often judged on their appearance to a greater degree than men are. I think we all know that people react differently to us if they see us wearing snow suits than if they see us in business suits. When there is a disfiguration right on your face, it can be difficult to overlook.

Today, I'm 25 and pretty happy with who I am and what I look like. But it took me a long time to get to this point. I've always been an achiever and I suspect that part of the reason that I got heavily involved in athletics, art and academics while in school was because I was convinced I was an ugly duckling and decided to develop myself in other ways. In retrospect, I am thankful for my birthmark because I think it's given me some sensitivity and understanding that I may have neglected otherwise.

We come to law school with different expectations and

past experiences. We may cope differently with challenges- but from what I've seen in nearly three years here, there is a lot of emotional insecurity and distress among even the most highachieving women at the Faculty. I've heard a lot of (and even said to myself at times): "What if I don't get hired? She's so much prettier, smarter, sexier, thinner, fun etc. than I am." These thoughts aren't helpful and all I want to share in this article is that I am convinced that we all have something worthwhile to offer and it's more important to concentrate on that than whether our eyebrows are ugly or not.

Whatever your hang-up, it's best to let it go. As Richard Templar makes clear in his book, The Rules of Life, the important thing is to accept yourself and know who you are:

That means accepting all the warts and emotional

lumps and bumps, the bad bits, the weaknesses and the rest of it. This doesn't mean that we have to be happy with everything about ourselves or that we are going to be lazy and lead a bad life. We are going to accept the way we are, initially, and then build on that. What we are NOT going to do is beat ourselves up because we don't like some bits.

Frankly, comparing yourself to other people can erode your own sense of yourself because you only see the best of what other people have to offer while you know the whole story about yourself. I prefer to laugh at my follies and concentrate on what counts. I hope that as we embark on our careers and adult lives, we are content with our own stories and don't let past experiences hold us back. The peculiar bits in life help to keep it satisfying.



[Editorial, contd. from p. 2]

respects. As a law student,

I am vaguely aware of my status as a woman, in that disconnected way that a person knows he is a part of a group which has historically been called disadvantaged, but who at the same time does not know what it is like to feel personally disadvantaged because of membership in that group. I have never felt self-conscious or out of place walking into a room full of lawyers or law students because of my

gender; in my mind there are only lawyers or students in that room, not men, not "old boys", not future husbands. Kitty's comment describes my subjective reality. I believe that if anyone standing in such a room were to see me walking in, he or she would be noticing my suit, my hair, my handbag - but not the fact that I am a woman persay.

Reading Natalie's article [Good Enough, p 4], I realized that the very perception that I had taken for granted as the norm is not the perception of many women in

our faculty. I agree with her that women are judged more than men on their appearance that goes for law, politics and even dentistry- but that abstract belief never led me to feel personally discriminated against. Natalie's perspective and advice is useful not only for those of us who are still seeking jobs, but for all women who are entering professional fields and, like the perfectionists that many of them are, subjectively perceive that they do not meetthe exceptionally high standard that they set for themselves.

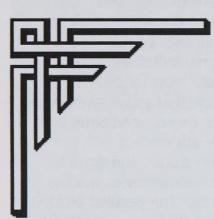
Other short articles and

points of information about women are peppered throughout this issue, including one on some of the silliest gender-based laws that I could find in a short Google-based survey of the web. On a more serious note, it also mentions the un-funny side of archaic laws that discriminate against women.

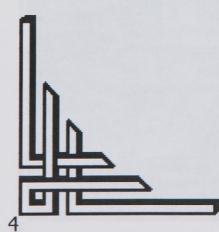
I hope you enjoy this issue. Don't forget that there are only three Quids left this year, so the time to submit that last article you've been wanting to write is now...

LAWMERICKS: GENERATION XX

by Stephanie Jones (LAW III)



Guy and girl walk into a bar.
They both say, "I'm a student of law."
Like a magnet, the guy
Attracts, but – don't know why –
The girl just seems to repel.





The Canadian Constitution Club de la constitution canadienne (CCC)

présente...

L'Acte sur la clarté : une discussion

The Clarity Act: A Discussion

Venez nous joindre à Thomson House pour débattre cette loi fédérale qui donne à la Chambre des communes le pouvoir absolu de décider les termes du débat de la sécession possible du Québec. The law, passed in 2000 by the Liberal Party, lets the federal government determine what constitutes a clear majority and a clear question in a referendum. Does this accurately reflect the principles of Canadian democracy outlined in the Quebec Secession Reference?

Professor(s) from the Faculty will answer your questions and participate in the discussion.

Jeudi le 27 mars 2008 Thursday, March 27, 2008 Time: late afternoon (TBD)

For more information, email ccc_mcgill@yahoo.ca.

SILLY AND NOT-SO-SILLY LAWS ABOUT WOMEN

by Quid Staff

ell, LOL. Did you know that these laws are still on the books?

In Florida, unmarried women who parachute on a Sunday could be jailed.

In Vermont, women must obtain written permission from their husbands to wear false teeth.

In Logan County, Colorado, USA, it is still illegal to kiss a woman while she is asleep.

In St. Louis, Missouri, USA, it is illegal for firemen to rescue women who are still in their nightdresses.

In Oxford, Ohio, USA, it is still illegal for a woman to undress in front of a picture of a man. In Minnesota, USA, it is still against the law to hang male and female underwear together on the same washing line.

A Michigan State law stipulates that a woman's hair legally belongs to her husband.

In Dyersburg, it is illegal for a woman to call a man for a date.

In Memphis, it is illegal for a woman to drive by herself; "a man must walk or run in front of the vehicle, waving a red flag in order to warn approaching pedestrians and motorists."

Funny and harmless enough, right? As much as I thought so too, there are some heinously outdated laws that are not so funny, especially to the women who are subject to them if they are enforced. We have all heard the one about the legality of wifebeating in random US states, subject to such ridiculous limitations as "no more than once per month". It would probably be in bad taste to call it "funny", but at least it is not a prevailing societally accepted norm.

How about this one? Apparently in Afghanistan the Taliban militia banned women from wearing white socks just in case men find them attractive. The police also ordered windows to be painted black to stop women being seen from the outside.

In fact, just one week ago
United Nations Human
Rights Commissioner Louise
Arbour said that women suffer legal discrimination in almost every country in the
world.

In a speech for International Womens Day, March 8, she stated that, "it is shameful that, in the 60th anniversary year of the Universal Declaration of Human Rights, fundamental rights are still not enjoyed by many women around the world."

The forms of discrimination are multifarious, from legal restrictions on property to a lack of recognition of sexual abuse and rape, Arbour said.

In some countries, married women are forbidden to keep their own names, and have no right to own land or inherit property.

"In other countries, (women's) educational and employment prospects are heavily circumscribed, and they cannot hold public office," she said.

Arbour noted that 53 countries still do not outlaw rape within marriage, and other laws against rape and sexual assault are not properly enforced.

I like jokes about silly laws as much as anyone else - but they are only silly because they are no longer actually harmful to equality. I can only hope that as time goes on, more and more of the grossly unfunny instances of legal discrimination against women will be removed.

FAMOUS CANADIAN (FEMALE)

FIRSTS

Helen Alice Kinnear . Born Cayuga, Ontario May 6, 1894. She graduated and was called to the Ontario bar, to become a lawyer, in 1920. She practiced law in Port Colborne, Ontario until 1943, when she was appointed county-court judge for Haldimand County. In 1947 she was appointed judge of the Juvenile Court. She was the first woman in the British Commonwealth to be named a Kings Counsel and the first in the Commonwealth appointed to a county-court bench and the first lawyer in Canada to appear as counsel before the Supreme Court in Canada in 1935. In 1993 the Canadian Post Office issued a commemorative stamp to honour the achievements of this woman Lawyer.

MARION IRONQUIL MEADMORE was appointed to the Manitoba Bar and is the FIRST ABORIGINAL CANADIAN WOMAN LAWYER



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HAS THE RULE OF LAW BECOME SYNONYMOUS WITH CRUEL AND UNUSUAL PUNISHMENT?

by Sarah Flatto (LAW I)

ast week the American President Bush signed his ninth veto in eight years.

This may seem like a commendable exercise in restraint of executive power; however it was significantly his eighth veto in the last 10 months of an oppositioncontrolled Congress. The veto sought to strike down legislative efforts to pass a bill that would legally limit the "interrogation" tactics of the Central Intelligence Agency to the more moderate approaches specified in a military field manual. The manual prohibits army interrogators from using tactics

identified as unusually physically harsh, such as waterboarding. This particular technique consists of simulating drowning by pouring water into a prisoner's nose and mouth until they cannot breathe and has recently been the object of political controversy. After years of denial, high-ranking representatives of the C.I.A. elite have admitted to the use of waterboarding in the interrogation of enemy combatants.

Until recently, a Canadian briefing document meant to train diplomats to recognize signs of torture in expatriate detainees listed the United

torture. Upon the media's recognition of this document and ensuing indignation by American officials, it was publicly dismissed by Foreign Affairs minister Maxime Bernier as irrelevant to official governmental policy. Immediately and rightly so, there was a contained but furious uproar at the hypocrisy of the Canadian government in the now-familiar case of Omar Khadr. Khadr is a Canadian citizen who was arrested in Afghanistan as a teenager on largely unproven terrorism-related charges and has been detained in the U.S.'s infamous Guantanamo Bay facility for over five years. The Canadian Foreign Affairs document identified Guantanamo as one of the most notorious locations of cruel interrogation techniques, such as forced nudity, isolation, and sleep deprivation. The chorus of criticism of the Canadian government's compliance with the U.S.'s detainment and questionable treatment

States as a possible site of

This raises a necessary question of the fortitude of the legal struggle against torture. The vital precedents of the Geneva Convention and the Universal Declaration of Human Rights provide fundamental doctrines

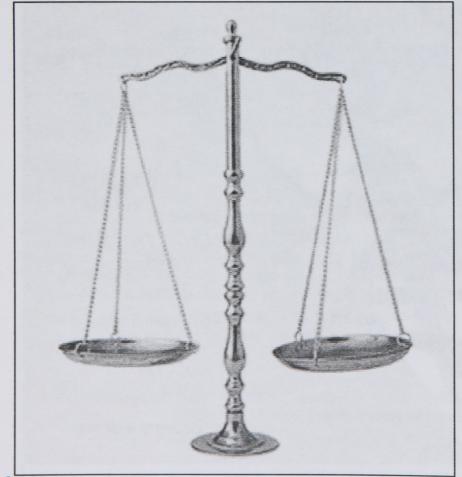
of Khadr has been met by

silence.

to tame the beast of military abuse, but they have become increasingly irrelevant in the age of contemporary terrorism. It is startlingly apparent that in the post-9/11 epoch, purposeful rhetoric honouring ideals of human rights have become just that: rhetoric. To what extent will the US and Canadian governments ignore legitimate external and internal dissent to torture as a tool of international justice? The answer is frightening to conjecture.

Can it be that the rule of law in the most stable democracies in the world has become synonymous with a tacit acceptance of institutionalized torture when it is inflicted on those who are perceived as alien? It is an all-too-common occurrence that democratically elected leaders are able to brazenly undermine the very principles that they cite to rationalize their human rights violations. Yes, we are not subject to a repressive police state and we should maintain appreciation for our relatively tenable level of freedom. However, as students who are not bound by political obligations, bureaucratic loyalties or the scrutiny of the press, it is crucial that we cast a critical eye on inhumane interrogations being justified by the socalled preservation of security.

Sources: BBC News, Al Jazeera, The Huffington Post, The New York Times



JUSTICE SARAH PEPALL

by Cassandra Brown (LAW III)

t isn't hard to find inspiring stories about women and their legal careers. However, when I received a suggestion from Professor de Mestral to write a story about Justice Sarah Pepall I looked her up. I like to think that professors are pretty well-placed to identify inspiring examples of legal professionals.

Sarah Pepall graduated from the McGill faculty of law in 1976. I tried to find her on her year's composite, but unfortunately, it must be either no longer displayed or very well hidden. She was

called to the Ontario Bar in 1978, and in 1983 obtained an LL.M in public law from Osgoode Hall Law School. From 1981 on, Pepall practised law with McMillan Binch, primarily in the fields of civil and commercial litigation.

Quite significantly, she also served as the firm's managing partner - the first woman of a major Canadian law firm to do so. While holding this position, Sarah Pepall was also involved in numerous community activities. She held the position of Chair of the Multiple Sclerosis Society of Canada, as well as member of the Board of Directors of the Advocates' Society and member of the Dickson Circle. She has lectured on a variety of topics including civil procedure, trial advocacy and constitutional law.

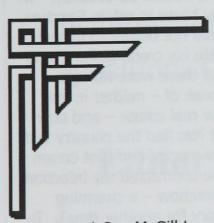
In 1999, Sarah E. Pepall was appointed a judge of the Superior Court of Justice (Ontario) in Toronto. Under her leadership, the new generation of Toronto's insolvency bar has developed a reputation for more evenhanded, administrative approaches to cases that demonstrate sound judgment in commercial matters. She has continued to be active in the community, regularly attending conferences, such as that hosted by the Ontario Bar Association, as a speaker. Some of

her recent high profile cases include the receivership of prominent Toronto developer Harry Stinson in his dispute with David Mirvish, the receivorship/ bitter family dispute of the Waxman Brothers' iconic scrap metal business, and the Sunrise REIT case on standstill agreements.

On Bebruary 25, 2008 the Financial Post reported a "trend" in the appointment of women as managing partners of Canadian law firms, citing Lisa Borsook of Weir Foulds LLP and Jerri Cairns of Parlee McLaws' recent ascensions. Madam Justice Sarah Pepall was truly ahead of her time, having already been retired from that position for nearly nine years at the time of the article.

LAWMERICKS: THE NEXT GENERATION

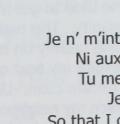
by Stephanie Jones (LAW III)



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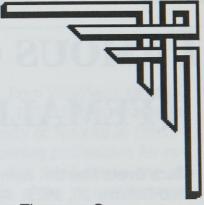
"Ibid." or "see ibid."1 - votes? Italicize or put in quotes? I know my arguments Might not make too much sense, But o, I have lovely footnotes!

1 See McGill Law Journal, Canadian Guide to Uniform Legal Citation, 6th ed. (Toronto: Thomson Carswell, 2006) at E-5, E-9.



II.

Je n' m'intéresse pas ni au Barreau, Ni aux cabinets de Toronto. Tu me demandes pourquoi Je deviens avocat? So that I can sign passport photos!





EXCERPTS FROM THE DIARY OF A METICULOUS MAN (IN WHICH HIS GRADUAL DECLINE IS DOCUMENTED)

by Stefan Spajda (LAW I)

May 3

woke one full minute before my alarm's sonorous ring again today. I must remember to adjust the machine, or else what is the point of owning one? Perhaps I'll rid myself of it altogether.

When brushing my teeth, I noted the sensation of irre-proachable cleanliness come over my molars right on queue (the rest of my teeth lagged, but quite imperceptibly). It took, however, one more rinse than usual to rid myself of the foam. Could it be the new toothpaste? I am already regretting the purchase.

The rest of my day was quite uneventful. My routine was briefly interrupted by the packing of my belongings. I decided to move, as the man down the street had reported a cockroach infestation. One can never be too careful.

May 28

Couldn't find my slippers today. I searched fruitlessly for a full hour without pause, assuming the worst. It turned out I don't own any slippers. Fortunately, I was alone at the time. What if M. had seen me?

June 7

Attempted, unsolicited, to help my new neighbour organize his front porch today. The police had to be called, details to follow.

June 10

The ungrateful lout is taking me to court. Apparently, my benevolent gesture, through which I sought to correct objective errors in taste and judgment, was perceived as a particularly noxious form of hooliganism. I wonder if any jury in the country will share his views on proper ornamentation? Impossible. Show me twelve men willing to unleash the awesome power of the state on a man who emancipated his street from a neon beer sign, three illmatched and dilapidated lawn chairs, and a cardboard cut-out of some scantily clad Jezebel! Sanchez, my realtor, sends flowers and regards.

July 19

Fired my lawyer this afternoon. He tried to get me to
plead insanity. This matter
is weighing heavily on my
mind, despite my best efforts to remain calm. Unable to face my neighbor,
I've allowed a patch of crab
grass to sprout on my lawn.
My mouth feels like cotton,
I often have difficulty

breathing, and I think I may have heart palpitations.

July 20

After a lengthy wait in a hospital emergency room, it turns out I have a healthy heart. I am, however, marred by anxiety, and athlete's foot. Sanchez, who is now also my lawyer, sees grounds for a countersuit. But can I handle another ounce of stress? Not if that crabgrass spreads another inch.

August 30

The bubble burst today. In my haste to retain Sanchez, I did not bother to investigate his credentials. Turns out there were none to speak of - neither in law nor real estate - and now he has fled the country with my money and foot cream (he contracted my infection somehow - a charming story for another time). To make matters worse, the house he claimed to sell me belongs to a young Korean family who had been out of town. They are now, in no uncertain terms, demanding that I leave their home. All this because I offered to help one man, and then trusted another.

FAMOUS CANADIAN (FEMALE) FIRSTS

Clara Brett Martin. Born Toronto, Ontario circa 1874. Died October 30, 1923. After receiving an honours BA from Trinity College in Toronto in 1888, The Law Society of Upper Canada refused to accept her as a student. Enlisting the help of notable and forceful people of the day, including, Dr Emily Stowe, Ontario Premier Oliver Mowat and Lady Aberdeen, to force legislation that would allow women as barristers. In 1897 she became the first woman lawyer in the British Empire. Even though she was licensed she did not often enter

Even though she was licensed she did not often enter court. Her presence in the court room caused too much of a ruckus. It would not be until the middle of the century that women would be able to comfortably represent their profession in the courts.

Lyrics from mona lisa skit

by Francie Gow (ALUM I)

"Mona Lisa" Lyrics by Jay Livingstone, 1950

Mona Lisa, Mona Lisa, men have named you You're so like the lady with the mystic smile Is it only 'cause you're lonely they have blamed you? For that Mona Lisa strangeness in your smile? Do you smile to tempt a lover, Mona Lisa? Or is this your way to hide a broken heart? Many dreams have been brought to your doorstep They just lie there and they die Are you warm, are you real, Mona Lisa? Or just a cold and lonely lovely work of art?



"Dean Kasirer" Lyrics by Francie Gow, 2007

Dean Kasirer, Dean Kasirer, we have named you For though you're an academic, you've got style What became of those red specs that so became you? Oh, their metrosexual suaveness drove us wild! When you smile to tempt a donor, Dean Kasirer Is it genuine or d'you just play the part? Applications are brought to your doorstep Most just lie there, and they die Do you live for our school, Dean Kasirer? Or would you rather be collecting lovely works of art?

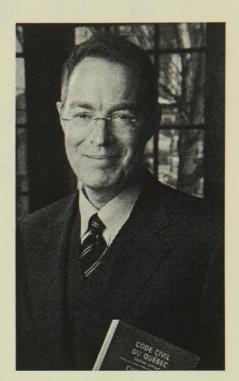


Photo credit: Lysanne Larose

The Quid is now accepting applications for the following positions (2008-2009):

Editor in Chief

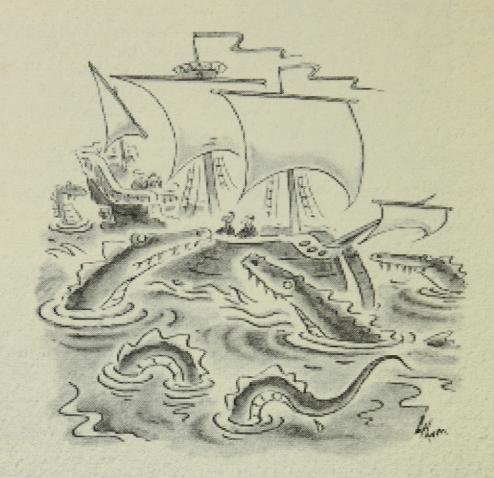
The position can be split between two people to accomodate exchanges, moots, etc. Please send a brief note indicating your intention to apply to

Quid.law@mcgill.ca by Thursday,

March 27.

FAMOUS CANADIAN (FEMALE) FIRSTS

Annie Caroline Macdonald. Born Wingham, Ontario October 15, 1874. Died July 17, 1931. She graduated in mathematics from the University of Toronto in 1901. She would turn to on of the opening professions for respectable young ladies of the day. She became one of the first professional secretaries of the Young Womens Christian Association (YWCA). By 1904 she was on her way to Japan to establish the YWCA in that country. She became immersed in her new job and new home. She became fluent in the Japanese language and became a staunch advocate of penal reform in Japan. Among other things she established a settlement house in the city of Tokyo to provide support services for families of prison inmates, ex-prisoners and juvenile delinquents. In 1924 her social work was recognized by the Emperor of Japan. In 1925 she returned to Canada and was the first woman to receive an LLD (Doctor of Law) from the University of Toronto.



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